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EXAMINER

FERGUSON, MICHAEL P

ART UNIT PAPER NUMBER

3679

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/008,766

Applicant(s)

MIMLITCH ET AL.

Examiner

Michael P. Ferguson

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 and 48-79 is/are pending in the application.
- 4a) Of the above claim(s) 13, 14, 19, 41, 60-66 and 73-79 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 15-18, 20-40, 42-46, 48-59 and 67-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the supplemental appeal brief filed on November 21, 2005, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Election/Restrictions

2. Claims 13,14,19,41,60-66 and 73-79 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on May 23, 2003.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the sliding assembly adapted to secure an additional load thereto claimed in claim 4, and the load comprising a cable management arm claimed in claim 5 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 25,29,30 and 52 are objected to because of the following informalities:

Claim 25 (line 2) recites "unit ("U") ". It should recite --unit--.

Claim 29 (line 2) recites "a gap therein". It should recite --a gap therebetween--.

Claim 29 (line 2) recites "a gap therein". It should recite --a gap therebetween--.

Claim 52 (line 8) recites "said third coupling member". It should recite --said second coupling member--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 4 and 5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 4 recites "wherein said load comprises a sliding assembly adapted to secure an additional load thereto". The specification does not describe how one skilled in the art may use the coupling member to secure to load, wherein the load comprises a sliding assembly adapted to secure an additional load thereto, nor describe the usefulness of such feature, thus the specification does not enable one to make or use such an embodiment of the invention.

Claim 5 recites "wherein said load comprises a cable management arm". The specification does not describe how one skilled in the art may use the coupling member to secure to load, wherein the load comprises a cable management arm, nor describe the usefulness of such feature, thus the specification does not enable one to make or use such an embodiment of the invention.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-6,10,15,25,29-46,51,52,57,67,68 and 72 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1,3,4,29,30 and 67, the word "means" is preceded by the word(s) "equipment attachment" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

Claim 2 (line 2) recites "that complies with EIA-310, revision D, standards". It is unclear as to what is positively claimed, as it is unclear as to what EIA-310, revision D, standards values are, and **as standards frequently change and are not a fixed values**. Furthermore, the application is not a living document in which limitations within the claims may change in regards to changes in standard values.

Claim 4 (line 1) recites "said load comprises a sliding assembly adapted to secure an additional load thereto". Claim 1 (line 1) recites "A coupling member... comprising: a vertical support member... ; an equipment attachment means... ; and means for securing". It is unclear as to whether the claim is positively claiming just a coupling member or positively claiming a system comprising a coupling member and a load.

Claim 5 (line 1) recites "said load comprises a cable management arm". Claim 1 (line 1) recites "A coupling member... comprising: a vertical support member... ; an equipment attachment means... ; and means for securing". It is unclear as to whether the claim is positively claiming just a coupling member or positively claiming a system comprising a coupling member and a load.

Claim 6 (line 1) recites "said load comprises electronic equipment". Claim 1 (line 1) recites "A coupling member... comprising: a vertical support member... ; an equipment attachment means... ; and means for securing". It is unclear as to whether the claim is positively claiming just a coupling member or positively claiming a system comprising a coupling member and a load.

Claim 10 (line 1) recites "the coupling member is adapted to be mounted adjacent to other coupling members and to be supported by adjacent coupling members". Claim 1 (line 1) recites "A coupling member... comprising: a vertical support member... ; an equipment attachment means... ; and means for securing". It is unclear as to whether the claim is positively claiming just a coupling member or positively claiming a system comprising a plurality of coupling members.

Claim 15 (line 1) recites "the coupling feature is adapted to secure to other coupling members adjacent thereto". Claim 1 (line 1) recites "A coupling member... comprising: a vertical support member... ; an equipment attachment means... ; and means for securing". It is unclear as to whether the claim is positively claiming just a coupling member or positively claiming a system comprising a plurality of coupling members.

Claims 31-45 (line 1) recite "modified two-post rack". It is unclear as to what structurally defines a "modified" rack, as the claims do not recite any claim limitations which structurally define such feature. Accordingly, one is unable to determine the metes and bounds of such claims.

Claim 36 (line 1) recites "the first coupling member is adapted to be supported by adjacent vertical coupling members". Claim 31 (line 1) recites "A modified two-post rack, comprising: a first vertical post... ; a second vertical post... a first coupling member... ; and a second coupling member". It is unclear as to whether the claim is positively claiming just a coupling member or positively claiming a system comprising a plurality of coupling members.

Claim 37 (line 1) recites "the coupling feature is adapted to secure to coupling members adjacent thereto". Claim 31 (line 1) recites "A modified two-post rack, comprising: a first vertical post... ; a second vertical post... a first coupling member... ; and a second coupling member". It is unclear as to whether the claim is positively claiming just a coupling member or positively claiming a system comprising a plurality of coupling members.

Claims 46, 51 and 2 (line 1) recite "four-post loads". It is unclear as to what structurally defines a "four-post" loads, as the claims do not recite any claim limitations which structurally define such feature. Accordingly, one is unable to determine the metes and bounds of such claims.

Claim 57 (line 1) recites "said load comprises a slide assembly". Claim 52 (line 1) recites "A method... comprising: coupling a first coupling member... ; coupling a second coupling member... ; coupling a third coupling member...; coupling a fourth coupling member". It is unclear as to whether the claim is positively claiming a method comprising just coupling members or positively claiming a method comprising coupling members and a load.

Regarding claim 67, the word "means" is preceded by the word(s) "rack attachment" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

Claims 68 and 72 (lines 1 and 4) recite "four-post rack-mounting configuration". It is unclear as to what structurally defines a "four-post" loads, as the claims do not recite any claim limitations which structurally define such feature. Accordingly, one is unable to determine the metes and bounds of such claims.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-3,5-12,15-17,20,21,23-35-39,42-56 and 67-72 are rejected under 35 U.S.C. 102(b) as being anticipated by Siemon et al. (US 5,542,549).

As to claim 1, Siemon et al. disclose a coupling member for converting a two-post equipment rack, comprising:

a vertical support member **32** having a first lateral end, a second lateral end, a first longitudinal end, and a second longitudinal end;

an equipment attachment means **44** coupled to the first lateral end, the equipment attachment means defining a vertical supporting point for a load **10**, the equipment attachment means being further adapted to secure to a load; and

means **69** for securing the coupling member to the two-post equipment rack (Figures 7-12, column 1 lines 7-12, column 4 lines 7-14,20-22,35-37).

As to claim 2, Siemon et al. disclose a coupling member wherein a supporting point emulates a vertical upright in a four-post equipment rack having a hole pattern that complies with EIA-310 standards (Figure 12, column 4 lines 7-14).

As to claim 3, Siemon et al. disclose a coupling member wherein an equipment attachment means is a flange **44** (Figure 9).

As to claim 5, Siemon et al. disclose a coupling member wherein a load comprises a cable management arm (not shown; column 4 lines 35-37).

As to claim 6, Siemon et al. disclose a coupling member wherein a load comprises electronic equipment (not shown; column 1 lines 7-12).

As to claim 7, Siemon et al. disclose a coupling member comprising a first torsion member **46** coupled to a vertical support member **32** at a first longitudinal end (Figure 11).

As to claim 8, Siemon et al. disclose a coupling member comprising a second torsion member **46** coupled to a vertical support member **32** at a second longitudinal end (Figure 11).

As to claim 9, Siemon et al. disclose a coupling member wherein means **69** for securing the coupling member to the two-post rack comprises a rack attachment flange **69** coupled to the second lateral end of the vertical support member **32** (Figure 12).

As to claim 10, Siemon et al. disclose a coupling member wherein the coupling member is capable of be mounted adjacent to other coupling members and capable of being supported by adjacent coupling members.

As to claim 11, Siemon et al. disclose a coupling member comprising a coupling feature (planar surface of torsion members **46**).

As to claim 12, Siemon et al. disclose a coupling member wherein a coupling feature (planar surface of torsion members **46**) is attached to a first torsion member **46** and on a second torsion member **46** (Figure 12).

As to claim 15, Siemon et al. disclose a coupling member wherein the coupling feature **30,22** (planar surface of torsion member **46**) is capable of being secured to other coupling members adjacent thereto.

As to claim 16, Siemon et al. disclose a coupling member wherein a rack attachment flange **69** is adapted to provide a load transfer path from a vertical support member **32** to the two-post equipment rack (Figure 12, column 4 lines 20-22).

As to claim 17, Siemon et al. disclose a coupling member wherein a rack-attachment flange **69** is in a preloading configuration (Figure 12).

As to claim 20, Siemon et al. disclose a coupling member including an outwardly extending portion on the first torsion member **46**, wherein a first torsion member **46** further includes a lower flange end on an outwardly extending portion adapted to provide a pivot point for load support (Figure 12).

As to claim 21, Siemon et al. disclose a coupling member including an outwardly extending portion on the second torsion member **46**, wherein a second torsion member **46** further includes a lower flange end on an outwardly extending portion adapted to provide a pivot point for load support (Figure 12).

As to claim 23, Siemon et al. disclose a coupling member wherein a first torsion member **46** is substantially perpendicularly coupled to a vertical support member **32** at the first longitudinal end (Figure 11).

As to claim 24, Siemon et al. disclose a coupling member wherein a second torsion member **46** is substantially perpendicularly coupled to a vertical support member **32** at the second longitudinal end (Figure 11).

As to claim 25, Siemon et al. disclose a coupling member wherein the coupling member is formed in increments of one modular unit in height.

As to claim 26, Siemon et al. disclose a coupling member wherein a vertical support member **32** is provided with an opening **48** thereon (Figure 7).

As to claim 27, Siemon et al. disclose a coupling member wherein an opening **48** is adapted to provide ventilation.

As to claim 28, Siemon et al. disclose a coupling member wherein an opening **48** provides tie-points for securement of cables thereto (column 4 lines 35-37).

As to claim 29, Siemon et al. disclose a coupling member wherein a first torsion member **46** terminates at a point prior to an equipment attachment means **44**, forming a gap **42** therein (Figure 9).

As to claim 30, Siemon et al. disclose a coupling member wherein a second torsion member **46** terminates at a point prior to an equipment attachment means **44**, forming a gap **42** therein (Figure 9).

As to claim 31, Siemon discloses a modified two-post rack, comprising:

a first vertical post (not shown; post of rack, column 4 lines 20-22) having a first side and a second side;

a second vertical post (not shown; post of rack, column 4 lines 20-22) having a first side and a second side, the second vertical post being coupled to the first post via a base;

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a first coupling member **30** coupled at a lateral end to and independently extending substantially horizontally outward from the first post, the first coupling member replicating a post in a four-post equipment rack; and

a second coupling member **30** coupled at a lateral end to and independently extending substantially horizontally outward from the second post, the second coupling member replicating a post in the four-post equipment rack (Figures 7-12, column 1 lines 7-12, column 4 lines 7-14,20-22,35-37)..

As to claim 32, Siemon et al. disclose a modified two-post rack comprising:

a third coupling member **30** coupled to and independently extending substantially horizontally outward from the first post; and

a fourth coupling member **30** coupled to and independently extending substantially horizontally outward from the second post, first, second, third and fourth coupling members each substantially replicating a different vertical upright in a four-post equipment rack (Figure 12).

As to claim 33, Siemon et al. disclose a modified two-post equipment rack wherein a first coupling member comprises:

a vertical support member **32** having a first lateral end, a second lateral end, a first longitudinal end, and a second longitudinal end;

an equipment attachment flange **44** coupled to the first lateral end, the equipment attachment flange being adapted to emulate a vertical upright in a four-post equipment rack, the equipment attachment flange being further adapted to secure to a load; and

a rack attachment flange **69** coupled to the second lateral end of the vertical support (Figures 7-12, column 1 lines 7-12, column 4 lines 7-14,20-22,35-37).

As to claim 34, Siemon et al. disclose a modified two-post rack wherein a first coupling member comprises:

a first torsion member **46** coupled to a vertical support member **32** at the first longitudinal end; and

a second torsion member **46** coupled to the vertical support member at the second longitudinal end (Figure 11).

As to claim 35, Siemon et al. disclose a modified two-post equipment rack wherein a first coupling member **30** comprises a coupling feature (planar surface of the torsion member **46**) on a first torsion member **46** and on the second torsion member **46** (Figure 12).

As to claim 36, Siemon et al. disclose a modified two-post equipment rack wherein the first coupling member **30** is capable of being supported by adjacent vertical coupling members.

As to claim 37, Siemon et al. disclose a modified two-post equipment rack wherein the coupling feature (planar surface of torsion member **46**) is capable of being secured to coupling members adjacent thereto.

As to claim 38, Siemon et al. disclose a modified two-post equipment rack comprising a rack attachment flange **69** being adapted to provide a load transfer path from a vertical support member **32** to the two-post equipment rack (Figure 12).

As to claim 39, Siemon et al. disclose a modified two-post equipment rack comprising a rack attachment flange **69** being in a pre-loading configuration (Figure 12).

As to claim 42, Siemon et al. disclose a modified two-post equipment rack of comprising a first torsion member **46** having a lower flange end adapted to provide a pivot point for load support (Figure 12).

As to claim 43, Siemon et al. disclose a modified two-post equipment rack comprising a second torsion member **46** having a lower flange end adapted to provide a pivot point for load support (Figure 12).

As to claim 44, Siemon et al. disclose a modified two-post equipment rack comprising a first torsion member **46** substantially perpendicularly coupled to a vertical support member **32** at a first longitudinal end (Figure 11).

As to claim 45, Siemon et al. disclose a modified two-post equipment rack comprising a second torsion member **46** substantially perpendicularly coupled to a vertical support member **32** at a second longitudinal end (Figure 11).

As to claim 46, Siemon et al. disclose a method for converting a two-post equipment rack to support four-post loads, comprising:

coupling independent four-post replicating mounting points on the two-post equipment rack, wherein the mounting points comprise two or more independent coupling members **30**, the four-post replicating mounting points being adapted to support the four-post loads and each coupling member adapted to support the four-post loads at a first lateral end and to attach to only one respective post at a second lateral end (Figures 7-12, column 1 lines 7-12, column 4 lines 7-14,20-22,35-37).

As to claim 47, Siemon et al. disclose a method wherein mounting points comprise two independent coupling members **30** wherein each coupling member attaches to only one respective post (not shown; post of rack, column 4 lines 20-22).

As to claim 48, Siemon et al. disclose a method wherein four-post replicating mounting points comprise four coupling members **30**.

As to claim 49, Siemon et al. disclose a method wherein one of four-post replicating mounting points comprise:

a vertical support member **32** having a first lateral end, a second lateral end, a first longitudinal end, and a second longitudinal end,

an equipment attachment flange **44** coupled to the first lateral end, the equipment attachment flange being adapted to emulate a vertical upright in a four-post equipment rack, the equipment attachment flange being further adapted to secure to a load **10**; and

a rack attachment flange **69** coupled to the second lateral end of the vertical support member (Figures 9 and 12).

As to claim 50, Siemon et al. disclose a method wherein one of four-post replicating mounting points further comprise:

a first torsion member **46** coupled to a vertical support member **32** at the first longitudinal end; and

a second torsion member **46** coupled to the vertical support member at the second longitudinal end (Figure 11).

As to claim 51, Siemon et al. disclose a method for adapting a two-post equipment rack to support four-post loads, comprising:

coupling a first coupling member **30** to a first post (not shown; post of rack, column 4 lines 20-22); and

coupling a second coupling member **30** to a second post (not shown; post of rack, column 4 lines 20-22), wherein the first coupling member and the second coupling member emulate two of the four posts in a four-post rack with each emulated post defining a supporting point for a load **10**; and

wherein the two-post equipment rack provides the remaining two posts in the four-post rack (Figures 7-12, column 1 lines 7-12, column 4 lines 7-14,20-22,35-37).

As to claim 52, Siemon et al. disclose a method for adapting a two-post equipment rack to support four-post loads, comprising:

coupling a first coupling member **30** to a first post (not shown; post of rack, column 4 lines 20-22);

coupling a second coupling member **30** to a second post (not shown; post of rack, column 4 lines 20-22);

coupling a third coupling member **30** to the first post substantially planar to and substantially parallel to a first coupling member **30**;

coupling a fourth coupling member **30** to the second post substantially planar to and substantially parallel to the third coupling member; and

wherein each of the coupling members emulate one respective post in a four-post rack, with each emulated post defining a supporting point for a load **10** (Figures 7-12, column 1 lines 7-12, column 4 lines 7-14,20-22,35-37).

As to claim 53, Siemon et al. disclose a method where a first coupling member comprises:

a vertical support member **32** having a first lateral end, a second lateral end, a first longitudinal end, and a second longitudinal end;

an equipment attachment flange **44** coupled to the first lateral end, the equipment attachment flange being adapted to emulate a vertical upright in a four-post equipment rack, the equipment attachment flange being further adapted to secure to a load **10**; and

a rack attachment flange **69** coupled to the second lateral end of the vertical support member (Figures 9 and 12).

As to claim 54, Siemon et al. disclose a method wherein a first coupling member further comprises:

a first torsion member **46** coupled to a vertical support member **32** at the first longitudinal end; and

a second torsion member **46** coupled to the vertical support member **32** at the second longitudinal end (Figure 11).

As to claim 55, Siemon et al. disclose a method comprising securing a load **10** to a vertical support member **32** of a first and a second coupling member **30**.

As to claim 56, Siemon et al. disclose a method comprising securing a load **10** to a vertical support member **32** of a first, a second, a third and a fourth coupling member **30**.

As to claim 67, Siemon et al. disclose an equipment support device for two-post rack systems, comprising:

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rack attachment means **69**;

an equipment attachment means **44** coupled to the rack attachment means; and

a coupling feature (planar surface of torsion member **46**) capable of connecting the support device to adjacent equipment support devices (Figures 7-12, column 1 lines 7-12, column 4 lines 7-14,20-22,35-37).

As to claim 68, Siemon et al. disclose a method for racking a device having a four-post rack-mounting configuration to a two-post rack system (not shown; posts of rack, column 4 lines 20-22), the method comprising:

installing a two-post to four-post adapter **30** on the two-post rack system, the two post to four-post adapter operable to support a device (not shown; column 1 lines 7-12) having a four-post rack-mounting configuration, the four-post rack-mounting configuration being a configuration for mounting a device on a four-post rack, wherein the device is (capable of being) supported solely by the posts in the four-post rack; and mounting the device to the two-post to four-post adapter (Figures 7-12, column 1 lines 7-12, column 4 lines 7-14,20-22,35-37).

As to claim 69, Siemon et al. disclose a method wherein installing includes coupling the two-post to four-post adapter **30** to the two-post rack system (Figure 12).

As to claim 70, Siemon et al. disclose a method wherein coupling includes bolting a two post to four-post adapter **30** to the two-post rack system (Figure 12).

As to claim 71, Siemon et al. disclose a method wherein a two-post to four-post adapter **30** includes at least two coupling members **30** (Figure 12).

As to claim 72, Siemon et al. disclose a system for racking a device having a four-post rack-mounting configuration to a two-post rack system (not shown; posts of rack, column 4 lines 20-22), the system comprising:

means 69 for installing a two-post to four-post adapter 30 on the two-post rack system, the two-post to four-post adapter operable to support a device (not shown; column 1 lines 7-12) having a four-post rack mounting configuration, the four-post rack-mounting configuration being a configuration for mounting a device on a four-post rack, wherein the device is (capable of being) supported solely by the posts in the four-post rack; and

means 30 for mounting the device to the two-post to four-post adapter (Figures 7-12, column 1 lines 7-12, column 4 lines 7-14,20-22,35-37).

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1-6,9-12,15-18,25-28,51-53,55-59 and 67-72 are rejected under 35 U.S.C. 102(e) as being anticipated by Jensen et al. (US 6,220,456).

As to claim1, Jensen et al. disclose a coupling member capable of converting a two-post equipment rack, comprising:

a vertical support member **20** having a first lateral end, a second lateral end, a first longitudinal end, and a second longitudinal end;

an equipment attachment means **30** coupled to the first lateral end, the equipment attachment means defining a vertical supporting point (the hole in vertical flange **30**) for a load (a downward force due to the mass of chassis **12** defining a load), the equipment attachment means being further adapted to secure (via the hole in flange **30**) to a load; and

means **22** for securing the coupling member to the two-post equipment rack (Figures 1-3).

As to claim 2, Jensen et al. disclose a coupling member wherein a supporting point emulates a vertical upright in a four-post equipment rack having a hole pattern (Figure 2).

As to claim 3, Jensen et al. disclose a coupling member wherein an equipment attachment means **30** is a flange (Figure 3).

As to claim 4, Jensen et al. disclose a coupling member wherein a load **104** comprises a sliding assembly (bolts **104** are slid onto the coupling member; thus defining a sliding assembly) adapted to secure an additional load **12** thereto, the sliding assembly attached to the equipment attachment means **30** (via rail **20**) and providing slidable support for the additional load with respect to the vertical support member (Figure 2).

As to claim 5, Jensen et al. disclose a coupling member wherein a load comprises a cable management arm (inherently, cables are attached to load **12**; Figure 6).

As to claim 6, Jensen et al. disclose a coupling member wherein a load comprises electronic equipment (Figure 2).

As to claim 9, Jensen et al. disclose a coupling member wherein means **22** for securing the coupling member to the two-post rack comprises a rack attachment flange **22** coupled (via a length of coupling member **20**) to a second lateral end of the vertical support member (Figure 3).

As to claim 10, Jensen et al. disclose a coupling member wherein the coupling member is adapted to be mounted adjacent to other coupling members and to be supported by adjacent coupling members (adjacent coupling members **20** vertically rest upon each other; thus supporting adjacent coupling members; Figure 1).

As to claim 11, Jensen et al. disclose a coupling member comprising a coupling feature **30,22** (individual surfaces of flanges **30,22**; Figure 3).

As to claim 12, Jensen et al. disclose a coupling member wherein a coupling feature **30,22** is attached to (the surface of) a first torsion member **30** and on (the surface of) a second torsion member **22** (Figure 3).

As to claim 15, Jensen et al. disclose a coupling member wherein the coupling feature **30,22** (individual surfaces of flanges **30,22**) is adapted to secure to (via friction) other coupling members adjacent thereto (Figure 1).

As to claim 16, Jensen et al. disclose a coupling member wherein a rack attachment flange **22** is adapted to provide a load transfer path from a vertical support member **20** to the two-post equipment rack (Figure 2).

As to claim 17, Jensen et al. disclose a coupling member wherein a rack-attachment flange **22** is in a preloading configuration (Figure 3).

As to claim 18, Jensen et al. disclose a coupling member wherein the pre-loading configuration is provided by a rack attachment flange **22** being secured to a vertical support member **20** at an acute angle (Figure 5).

As to claim 25, Jensen et al. disclose a coupling member wherein the coupling member is formed in increments of one modular unit in height (Figure 1).

As to claim 26, Jensen et al. disclose a coupling member wherein a vertical support member **20** is provided with an opening **28** thereon (Figure 3).

As to claim 27, Jensen et al. disclose a coupling member wherein an opening **28** is adapted to provide ventilation (Figure 2).

As to claim 28, Jensen et al. disclose a coupling member wherein the openings **28** provide tie-points cable of securement of cables thereto (via securement of device **12** within the openings; Figure 2).

As to claim 51, Jensen et al. disclose a method for adapting a two-post equipment rack to support four-post loads, comprising:

coupling a first coupling member **20** to a first post **16**; and

coupling a second coupling member **20** to a second post **16**, wherein the first coupling member and the second coupling member emulate two of the four posts in a

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four-post rack (column 1 lines 28-37) with each emulated post defining a vertical supporting point (the hole in vertical flange **30**) for a load (a downward force due to the mass of chassis **12** defining a load); and

wherein the two-post equipment rack provides the remaining two posts in the four-post rack (Figures 1-3).

As to claim 52, Jensen et al. disclose a method for adapting a two-post equipment rack to support four-post loads, comprising:

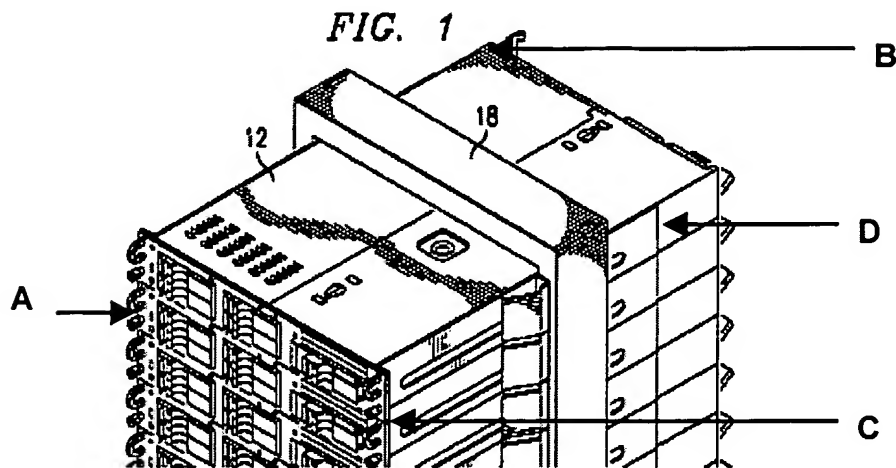
coupling a first coupling member **20** to a first post **16**;

coupling a second coupling member **20** to a second post **16**;

coupling a third coupling member **20** to a first post **16** substantially planar to (the first and third coupling members lie within the same plane) and substantially parallel to a first coupling member **20**;

coupling a fourth coupling member **20** to a second post **16** substantially planar to (the second and fourth coupling members lie within the same plane) and substantially parallel to the second coupling member; and

wherein each of the coupling members emulate one respective post **A,B,C,D** (Figure 1 reprinted below with annotations) in a four-post rack, with each emulate post defining a supporting point for a load (via the hole in flange **30**; Figure 1).



As to claim 53, Jensen et al. disclose a method where a first coupling member comprises:

a vertical support member **20** having a first lateral end, a second lateral end, a first longitudinal end, and a second longitudinal end;

an equipment attachment flange **30** coupled to the first lateral end, the equipment attachment flange being adapted to emulate a vertical upright in a four-post equipment rack, the equipment attachment flange being further adapted to secure to a load (a downward force due to the mass of chassis **12** defining a load); and

a rack attachment flange **22** coupled to (via a length of coupling member **22**) the second lateral end of the vertical support member (Figure 3).

As to claim 55, Jensen et al. disclose a method comprising securing a load (a downward force due to the mass of chassis **12** defining a load) to a vertical support member **20** of a first and a second coupling member (Figure 2).

As to claim 56, Jensen et al. disclose a method comprising securing a load (a downward force due to the mass of chassis **12** defining a load) to a vertical support member **20** of a first, a second, a third and a fourth coupling member (Figure 1).

As to claim 57, Jensen et al. disclose a method wherein a load comprises a slide assembly (load **12** is slid onto the coupling member; Figure 2).

As to claim 58, Jensen et al. disclose a method comprising:

securing a fifth coupling member **20** to a first post **16**; and

securing a sixth coupling member **20** to a second post **16** (Figure 1).

As to claim 59, Jensen et al. disclose a method comprising coupling the first coupling member **20** to the fifth coupling member **20** (via friction; Figure 1).

As to claim 67, Jensen et al. disclose an equipment support device for two-post rack systems, comprising:

rack attachment means **22**;

an equipment attachment means **30** coupled to the rack attachment means; and

a coupling feature (surface of rack attachment means **22**) for connecting the support device to adjacent equipment support devices (adjacent support devices **20** rest upon each other; thus adjacent support devices are connected to one another; Figure 1).

As to claim 68, Jensen et al. disclose a method for racking a device having a four-post rack-mounting configuration to a two-post rack system, the method comprising:

installing a two-post to four-post adapter **20** on the two-post rack system, the two post to four-post adapter operable to support a device having a four-post rack-mounting configuration (column 1 lines 28-37), the four-post rack-mounting configuration being a configuration for mounting a device on a four-post rack, wherein the device is (capable of being) supported solely by the posts in the four-post rack (via bolts **104**); and

mounting the device to the two-post to four-post adapter (Figures 1-3).

As to claim 69, Jensen et al. disclose a method wherein installing includes coupling the two-post to four-post adapter **20** to the two-post rack system (Figure 2).

As to claim 70, Jensen et al. disclose a method wherein coupling includes bolting a two post to four-post adapter **20** to the two-post rack system (Figure 2).

As to claim 71, Jensen et al. disclose a method wherein a two-post to four-post adapter **20** includes at least two coupling members **20** (Figure 2).

As to claim 72, Jensen et al. disclose a system for racking a device having a four-post rack-mounting configuration to a two-post rack system, the system comprising:

means **22** for installing a two-post to four-post adapter **20** on the two-post rack system, the two-post to four-post adapter operable to support a device **12** having a four-post rack mounting configuration (column 1 lines 28-37), the four-post rack-mounting configuration being a configuration for mounting a device on a four-post rack, wherein the device is (capable of being) supported solely by the posts in the four-post rack (via bolts **104**); and

means **30** for mounting the device to the two-post to four-post adapter (Figures 1-3).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 18, 22 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siemon et al.

As to claim 18, Siemon et al. fail to disclose a coupling member wherein the pre-loading configuration is provided by a rack attachment flange being secured to a vertical support member at an acute angle. The applicant is reminded that a change in the shape of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify a coupling member as disclosed by Siemon et al. wherein the pre-loading configuration is provided by a rack attachment flange being secured to a vertical support member at an acute angle as such practice is a design consideration within the skill of the art.

As to claim 22, Siemon et al. fail to disclose a coupling member wherein first and second torsion members are have terminating portions formed at an obtuse angle relative to a vertical support member. The applicant is reminded that a change in the shape of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). Accordingly, it would have been

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obvious to one having ordinary skill in the art at the time the invention was made to modify a coupling member as disclosed by Siemon et al. to have first and second torsion members have terminating portions formed at an obtuse angle relative to a vertical support member as such practice is a design consideration within the skill of the art.

As to claim 40, Siemon et al. fail to disclose a modified two-post equipment rack wherein a pre-loading configuration comprises a rack attachment flange being secured to a vertical support member at an acute angle. The applicant is reminded that a change in the shape of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify a two-post equipment rack as disclosed by Siemon et al. wherein a pre-loading configuration comprises a rack attachment flange being secured to a vertical support member at an acute angle as such practice is a design consideration within the skill of the art.

Response to Arguments

Applicant's arguments filed November 21, 2005 have been fully considered but they are not persuasive. As to claim 1, Attorney argues that:

Jensen et al. do not disclose a coupling member comprising an equipment attachment means *defining a vertical supporting point for a load*.

Examiner disagrees. As to claim 1, Jensen et al. disclose a coupling member having an equipment attachment means **30** defining a vertical supporting point (the hole

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in vertical flange **30**) for a load (a downward force due to the mass of chassis **12** defining a load; Figures 1-3).

As to claim 2, Attorney argues that:

EIA-310, revision D, standards are well known to persons of ordinary skill in the art, and do not change.

Examiner disagrees. It is unclear as to what is positively claimed, as it is unclear as to what EIA-310, revision D, standards values are, and **as standards frequently change and are not a fixed values**. Furthermore, the application is not a living document in which limitations within the claims may change in regards to changes in standard values.

As to claim 4, Attorney argues that:

Jensen et al. do not disclose a coupling member wherein a load comprises a sliding assembly adapted to secure an additional load thereto, the sliding assembly attached to the equipment attachment means and providing slidable support for the additional load with respect to the vertical support member.

Examiner disagrees. As to claim 4, Jensen et al. disclose a coupling member wherein a load **104** comprises a sliding assembly (bolts **104** are slid onto the coupling member; thus defining a sliding assembly) adapted to secure an additional load **12** thereto, the sliding assembly attached to the equipment attachment means **30** (via rail **20**) and providing slidable support for the additional load with respect to the vertical support member (Figure 2).

As to claim 5, Attorney argues that:

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Jensen et al. do not disclose a coupling member wherein a load comprises a *cable management arm*).

Examiner disagrees. As to claim 5, Jensen et al. disclose a coupling member wherein a load comprises a cable management arm (inherently, cables are attached to load **12**; Figure 6).

As to claim 9, Attorney argues that:

Jensen et al. do not disclose a coupling member wherein means for securing the coupling member to the two-post rack *comprises a rack attachment flange coupled to a second lateral end of the vertical support member*.

Examiner disagrees. As to claim 9, Jensen et al. disclose a coupling member wherein means **22** for securing the coupling member to the two-post rack comprises a rack attachment flange **22** coupled to (via a length of coupling member **20**) a second lateral end of the vertical support member (Figure 3).

As to claim 15, Attorney argues that:

Jensen et al. do not disclose a coupling member wherein the coupling feature *is adapted to secure to other coupling members adjacent thereto*.

Examiner disagrees. As to claim 15, Jensen et al. disclose a coupling member wherein the coupling feature **30,22** (individual surfaces of flanges **30,22**) is adapted to secure to (via friction) other coupling members adjacent thereto (Figure 1).

As to claim 28, Attorney argues that:

Jensen et al. do not disclose a coupling member wherein the openings *provide tie-points cable of securement of cables thereto*.

Examiner disagrees. As to claim 28, Jensen et al. disclose a coupling member wherein the openings **28** provide tie-points cable of securement of cables thereto (via securement of device **12** within the openings; Figure 2).

As to claim 51, Attorney argues that:

Jensen et al. do not disclose a method wherein the first coupling member and the second coupling member emulate two of the four posts in a four-post rack with each emulated post defining *a vertical supporting point for a load*.

Examiner disagrees. As to claim 51, Jensen et al. disclose a method wherein the first coupling member **20** and the second coupling member **20** emulate two of the four posts in a four-post rack (column 1 lines 28-37) with each emulated post defining a vertical supporting point (the hole in vertical flange **30**) for a load (a downward force due to the mass of chassis **12** defining a load; Figures 1-3).

As to claim 52, Attorney argues that:

Jensen et al. do not disclose a method comprising coupling a third coupling member to a first post *substantially planar to a first coupling member*, and coupling a fourth coupling member to a second post *substantially planar the second coupling member*.

Examiner disagrees. As to claim 52, Jensen et al. disclose a method comprising coupling a third coupling member **20** to a first post **16** substantially planar to (the first and third coupling members lie within the same plane) a first coupling member **20**; and coupling a fourth coupling member **20** to a second post **16** substantially planar to (the

second and fourth coupling members lie within the same plane) the second coupling member (Figure 1).

As to claim 67, Attorney argues that:

Jensen et al. do not disclose an equipment support device comprising a *coupling feature for connecting the support device to adjacent equipment support devices*.

Examiner disagrees. As to claim 67, Jensen et al. discloses an equipment support device having a coupling feature (surface of rack attachment means **22**) for connecting the support device to adjacent equipment support devices (adjacent support devices **20** rest upon each other; thus adjacent support devices are connected to one another; Figure 1).

As to claims 68 and 72, Attorney argues that:

Jensen et al. do not disclose a system wherein the four-post rack-mounting configuration is a *configuration for mounting a device on a four-post rack, wherein the device is supported solely by the posts in the four-post rack*.

Examiner disagrees. As to claims 68 and 72, Jensen et al. disclose a system wherein the four-post rack-mounting configuration (column 1 lines 28-37) is a configuration for mounting a device on a four-post rack, wherein the device is (capable of being) supported solely by the posts in the four-post rack (via bolts **104**; Figures 1-3).

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (8:00-5:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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